

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

JOHN DYESS,

Plaintiff,

v.

AUBURN UNIVERSITY,

Defendant.

No. 3:07CV-635-WKW

MOTION TO AMEND SCHEDULING ORDER

On October 23, 2007, this Court entered a Rule 16(b) Scheduling Order (Doc. No. 22). With one minor exception, Defendant Auburn University (“Defendant”) believes that the deadlines are reasonable and appropriate. However, Defendant does move the Court for one minor amendment to Paragraph 11 of the Scheduling Order. As grounds for this motion, Defendant avers:

1. Paragraph 11 of the Scheduling Order requires the parties to exchange trial exhibits no later than November 17, 2008. The last three sentences of Paragraph 11 provide: “Except to the extent written objections are served and filed no later than November 17, 2008, the evidence shall be deemed genuine and admissible in evidence. The written objections shall set forth the grounds and legal

authorities. All trial exhibits must be premarked prior to trial.” (Doc. No. 22, ¶ 11 (emphasis in original).)

2. Defendant respectfully requests that the parties be afforded a brief period of time *after* exhibits are exchanged in order to formulate and draft any appropriate objections.

3. Specifically, Defendant requests that “November 17, 2008” in the third-to-last sentence of Paragraph 11 be changed to read, “December 1, 2008.”

4. This change would also conform Paragraph 11 to Paragraph 10, which allows until December 1, 2008 for either party to file objections to the other party’s designation of deposition transcripts to be used at trial.

Wherefore, these premises considered, Defendant Auburn University respectfully requests that the Scheduling Order be amended as set forth above.

Respectfully submitted,

/s/ Aaron L. Dettling

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CERTIFICATE OF SERVICE

I hereby certify that on this the 24th day of October, 2007, I filed the foregoing document using the CM/ECF system, and that I contemporaneously mailed a true and correct copy of the foregoing to the Plaintiff via first-class mail addressed as follows:

John W. Dyess
1509 Union Street
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/s/ Aaron L. Dettling
OF COUNSEL